

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**JUAN LOPEZ AYALA and MOSHE  
DABOUB,**

No. 3:17-CV-266-PK

Plaintiff,

OPINION AND ORDER

v.

**COOK FAMILY BUILDERS LLC  
and ZANE COOK,**

Defendants.

**MOSMAN, J.,**

On March 6, 2018, Magistrate Judge Paul Papak issued his Findings and Recommendation (F&R) [33], recommending that Plaintiffs' Motion for Attorney Fees [30] should be GRANTED and the Cook Defendants ordered to pay Plaintiffs' attorney fees in the amount of \$14,210. No objections were filed.

### **DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Papak's recommendation and I ADOPT the F&R [33] as my own opinion. Plaintiffs' Motion for Attorney Fees [30] is GRANTED and the Cook Defendants are ordered to pay Plaintiffs' attorney fees in the amount of \$14,210.

IT IS SO ORDERED.

DATED this 3rd day of April, 2018.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
Chief United States District Judge